

**MINUTES OF A WORKSHOP/MEETING OF THE GOVERNING BOARD
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
HELD AT KOA LAKE OKEECHOBEE RESORT
4276 S. HWY. 441 OKEECHOBEE, FL
WEDNESDAY, MARCH 8, 2000
9:00 A.M.**

The following **Board Members** were present

Michael Collins
Vera Carter
Michael Minton
Mitchell Berger
Nicolas Gutierrez
Gerardo Fernandez
Trudi Williams
Patrick Gleason
Harkley Thornton

CALL TO ORDER

- 1. Board questions for staff about any items on Thursday's Regular Meeting Agenda or Regulatory Consent Agenda.**

Ms. Williams questioned item 16.

Mr. Minton questioned items 21 and 37.

Mr. Thornton questioned items 24, 35, 37, and 41.

- 2 Agenda Approval**

There were no changes to the agenda. The agenda was approved by unanimous consent of the Board.

- 3. Everglades Diversity Plan**

Mr. Aaron Weeks, Office of Supplier Diversity and Outreach, presented the briefing. A copy of the material used in his presentation is included in the official record of this meeting.

4. Executive Contract Summary

Mr. Jock Merriam, Deputy Executive Director, Corporate Resources, presented information on the Executive Contract. A copy of the material used in his presentation is included in the official record of this meeting.

Board Members agreed to consider item 5 later in the meeting.

6. ECP Update

Mr. Joseph Schweigart, Director, Everglades Const4ruction Project, said the update has been provided in written form to Board Members and staff has nothing to add at this time. He said a full and complete financial update will be provided in April.

7. District Water Management Plan

David Gilpin-Hudson, Lead Planner, Planning Budget and Evaluation, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Ms. Carter to accept the District Water Management Plan and authorize its transmittal to the Florida Department of Environmental Protection for review. Motion approved.

Board Members agreed to consider item 5 at this time.

5. B50 Replacement Project – Schematic Design Summary

Mr. Mike Hiscock, Lead Engineer, Engineering and Project Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Steven W. Knight, Architect and Assistant Vice President, Hanson Engineering, presented information on the project's background, status, and schedule. He recommended proposed site plan changes to the building location and visitor parking area. Board members agreed to the recommended changes.

Mr. Knight also recommended an arched roof design for the B-1 Building. He said the roof design is a proven one. Board Members agreed.

Board Members questioned the need for construction of a separate warehouse building. Mr. William Malone, Deputy Executive Director, Water

Resources Management, said staff will review the existing facility to determine whether it meets the District's needs.

8. Minimum Flows and Levels

Mr. David Swift, Lead Environmental Scientist, Water Supply Planning and Development, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Swift presented changes to the final draft document setting Minimum Flows and Levels (MFL). He said staff recommends Governing Board direction to proceed with the MFL establishment process based on staff's proposed revisions to the final draft document.

Motion by Mr. Gleason to direct staff to move forward with the MFL establishment process based on staff's proposed revisions to the final draft document. Motion approved.

Board Members agreed to consider item 13 at this time.

13. Update on Lower East Coast Regional Water Supply Plan.

Mr. John Mulliken, Sr. Supervising Planner, Water Supply Planning, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Phil Parsons, Florida Sugar Cane League, questioned assurances from federal officials that the District will be an equal partner in the Comprehensive Everglades Restoration Plan

Chairman Collins said Governor Jeb Bush insists on an equal partnership with the federal government in implementing the restoration plan.

9. Water Conditions Report/CSS Sparrow Update

Mr. Tommy Strowd, Director, Water Control Operations, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Dewey Worth, Lead Environmental Scientist, said the U.S. Fish and Wildlife Service has moved away from reliance on modeling to discussion of the actual effects of the Interim Structural Operations Plan involving the Cape Sable Seaside Sparrow. He said this is a positive step.

12. Water Supply Policy Update

Scott Burns presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

ADJOURNMENT

There being no further discussion to come before the Board, the workshop meeting was adjourned at 12:00 noon.

**MINUTES OF A MEETING OF THE GOVERNING BOARD
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
HELD AT OFFICES OF THE DISTRICT,
3301 GUN CLUB ROAD, WEST PALM BEACH FLORIDA
THURSDAY, MARCH 9, 2000
8:30 A.M.**

The following **Board Members** were present

Michael Collins, Chairman
Michael Minton
Vera Carter
Nicolas Gutierrez
Patrick Gleason
Trudi Williams
Harkley Thornton
Gerardo Fernandez

Frank R. Finch, Executive Director

CALL TO ORDER

Chairman Collins called the meeting to order at 8:30 a.m., followed by the inspiration and the pledge of allegiance to the Flag of the United States of America

Presentations

Board Members and Mr. Finch presented the District's 30 Years Service Award to Mr. James E. McCray, Machine Shop/Structural Maintenance Supervisor West Palm Beach Field Station, Water Resources Operations.

Mr. Fernandez, Chairman, Human Resources Committee, recognized February's Employee/Team[s] of the month:

Water Delivery System Design & Installation Team (West Palm Beach Field Station): Mr. Richard Champlin, Senior Regional Supervisor; Mr. Dan Dunnam, Facility Maintenance Mechanic; Mr. Jim Bartley, Facility Maintenance Mechanic; Mr. Miguel Rodriguez, Structure Maintenance Technician; Mr. Brett Lane, Excavation/Earthmoving Operator; Mr. James Johnson, Industrial Electrician; Mr. Doug Jury, Electrician; Mr. Drew Revak, Craft Supervisor - Facility Maintenance; Mr. Don Crutchley, Facility Maintenance Mechanic; Mr. Keith Hester, Facility Maintenance Mechanic; Mr. Wayne Travis, Facility Maintenance Mechanic; Mr. Doug Kessler, Industrial Electrician; Mr. Tom Jones, Electrical Supervisor; Mr. Ron Parlontieri, Sign Design & Fabricator; (Electronic Support and Data Acquisition Division): Mr. Bruce Webb, Senior Engineering Associate; and Mr. Stan Jones, Senior Engineering Associate.

Mr. Finch presented the District's 1999 Employee of the Year Award to Dr. Karl E. Havens, Chief Environmental Scientist, Lake Okeechobee Division, Watershed Research & Planning.

Changes to agenda

Chairman Collins noted that item 35 has been deleted.

Abstentions

Mr. Gleason abstained on items 34, 10, and 14.

Ms. Williams abstained on items 18 and 19.

Mr. Minton abstained on items 16 and 19.

Mr. Berger abstained on item 19.

Pull Items for Discussion

Mr. Minton pulled items 21 and 37.

Mr. Thornton pulled items 35, 37, and 41.

Schedule of Upcoming Meetings

Mr. Finch presented the schedule. A copy of the schedule of upcoming meetings is included in the official record of this meeting.

Tentative Agenda for April Workshop

Chairman Collins presented the tentative agenda. a copy of the tentative agenda is included in the official record of this meeting.

Approval of minutes

Motion by Mr. Fernandez to approve the minutes of the March 9, 2000 Workshop and the March 10 Regular meeting. Motion approved.

PUBLIC HEARING

Chairman Collins opened the public hearing.

3A. Approve an Amendment to the Application for Federal Assistance and Grant Agreement LWCF-1 with the U.S. Department of the Interior

Mr. William Malone, Deputy Executive Director, Water Resources Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting. Mr. Malone said the amount of this acquisition has changed to \$18.9 million.

Motion by Mr. Minton to approve an Amendment to the Application for Federal Assistance and Grant Agreement LWCF-1 with the U.S. Department of the Interior ("Interior") to increase the Grant Award in the amount of \$18.9 Million to be applied towards the purchase of land interests containing approximately 9,000 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project and authorize the Executive Director, or his designee, to execute the Amendment. Motion approved.

Ms. Erin Deady, National Audubon Society, said her organization supports this action.

3B. Approve the purchase of land interests containing 8,682 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project.

Mr. Malone presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Ms. Carter to approve the purchase of land interests containing 8,682 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs.

Mr. Dan Stevens, Hendry County Attorney, said the County has not adopted an official position on this issue. He said County Officials are concerned about the agreement, and the lack of opportunity for review.

Ms. Ann Fussell Thomas, Hendry County Commission, expressed concern about this acquisition. She said a method should be developed to allow the District, local governments, and private landowners to work together to identify lands for acquisition that are not prime agricultural lands.

Mr. John Fumero, General Counsel, said staff has discussed this issue with the Hendry County Attorney and has reviewed the agreement carefully. He said it is staff's opinion that there are no legal problems with how this transaction has been handled.

Motion approved.

- 4. Approve the purchase of land interests containing 74.36 acres, more or less, in Lee County, CREW Project.**

Mr. James H. Strotman, Director, Real Estate, Engineering and Construction, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Ms. Williams to approve the purchase of land interests containing 74.36 acres, more or less, in Lee County, CREW Project, and authorize a Resolution to the Board of Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs. Motion approved.

- 5. Approve the purchase of land interests containing .15 acres, more or less, in Polk County, Kissimmee Chain of Lakes Project.**

Mr. Strotman presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Thornton to approve the purchase of land interests containing .15 acres, more or less, in Polk County, Kissimmee Chain of Lakes Project, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.

- 6. Approve the purchase of land interests containing 35.595 acres, more or less, in St. Lucie County, Indian River Lagoon Blueway Queens Island Project - Phase I.**

Mr. Strotman presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Gleason to approve the purchase of land interests containing 35.595 acres, more or less, in St. Lucie County, Indian River Lagoon Blueway Queens Island Project - Phase I in partnership with St. Lucie County, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.

7. Approve the purchase of land interests containing 219.51 acres, more or less, in Miami-Dade County, East Coast Buffer Project.

Mr. Strotman presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Fernandez to approve the purchase of land interests containing 219.51 acres, more or less, in Miami-Dade County, East Coast Buffer Project, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition, and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs. Motion approved.

Board Members agreed to consider item 24 at this time.

24. Authorize accepting a perpetual conservation and flowage easement "(Easement)" from The Nature Conservancy ("TNC") on an 0.18 acre parcel of land situated in Polk County, Florida.

Ms. Terrie Bates, Director, Environmental Resource Regulation Department, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Motion by Mr. Fernandez to authorize accepting a perpetual conservation and flowage easement "(Easement)" from The Nature Conservancy ("TNC") on an 0.18 acre parcel of land situated in Polk County, Florida identified as a part of Section 15, Township 28 South, Range 29 East. Motion approved.

Vice-Chairman Minton closed the public hearing.

8. Audit Committee Report

Mr. Minton, Vice-Chairman, Audit Committee, presented the report. A copy of the report is included in the official record of this meeting.

Motion by Mr. Minton to approve the Audit Committee report and recommended actions. Motion approved.

9. Human Resources Committee Report

Mr. Fernandez , Chairman, Human Resources Committee, presented the report. A copy of the report is included in the official record of this meeting.

Motion by Mr. Fernandez to approve the Human Resources Committee report and recommended actions. Motion approved.

13. Additional Detail Briefing Regarding Proposed Funding

Mr. Finch presented the briefing, which included proposed cuts for some District programs in order to provide funding for Everglades Restoration. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Gleason said he does not support shutting down the Alternative Water Supply program in order to transfer funding to Everglades Restoration.

Mr. Berger agreed. He said some of the Alternative Water Supply Projects will not be accomplished without District support.

Mr. Darryl Sharpton, Outside Review Panel, said it is important that momentum not be lost at this time. He urged the Board to adopt staff's recommendation as presented by Mr. Finch.

Mr. Roy Reynolds, Broward County, said the District must meet its responsibilities for local projects, not just those specific to the restoration. He said water resource and supply development are essential in order to implement the Comprehensive Everglades Restoration Plan.

Ms. Patti Webster, Broward County, said the proposed cuts relating to water supply and management are not reasonable and will negatively impact the District's ability to manage water.

Mr. Doug Bournique, Indian River Citrus League, said funding for service center positions are in jeopardy. He urged the Board to continue the funding for positions at the Martin/St. Lucie County Service Center.

Ms. Susan Hayden Daniels, Regional Director/Senior Attorney, Environmental & Land Use Law Center, said the public does not feel there is a need for tax increases to fund everglades restoration. She said stronger educational efforts are needed.

Mr. Samy Faried, Lee County Regional Water Supply Authority, strongly urged the Board not to eliminate Alternative Water Supply funding to counties. I

Mr. William Blazak, Director, St. Lucie County Utilities, urged the Board to continue funding for water supply programs.

Ms. Rosa Durando, Audubon Society of the Everglades, said the success of the Comprehensive Everglades Restoration Plan will depend on finding consensus among all parties.

Ms. Linda McCarthy, Department of Agriculture and Consumer Services, urged the Board to continue funding for positions in District's contract with the Center for Environmental Studies.

Motion by Mr. Thornton to approve staff's recommendation that \$3.5 million be cut from the Alternative Water Supply program and used for Everglades Restoration. Motion approved. Aye - Chairman Collins, Mr. Fernandez, Mr. Gutierrez, Mr. Thornton, Ms. Carter, Ms. Williams. Nay - Mr. Gleason, Mr. Minton, Mr. Berger.

Mr. Minton said the positions funded for the Center for Environmental Studies are crucial to the Best Management Practices Program/Agroecology Research. He stressed the importance of this program and asked that funding for that effort remain in the budget. Board Members agreed.

Board Members discussed staff's recommendation that \$1.6 million be cut from the District's Water Resource Education Program.

Mr. Berger said he strongly supports the education program.

Mr. Fernandez asked if it is possible to restructure the education program, rather than cut the funding. Chairman Collins said he can support that suggestion. Mr. Thornton disagreed. He noted that there are other outreach programs included in the District's budget.

Motion by Mr. Thornton to approve staff's recommendation to cut \$1.6 million from the Water Resource Education Program for use on Everglades Restoration. Motion fails for lack of majority. Nay - Mr. Gleason, Chairman Collins, Mr. Fernandez, Mr. Minton, Mr. Berger. Aye - Mr. Gutierrez, Ms. Carter, Mr. Thornton. Absent - Ms. Williams.

Motion by Mr. Fernandez to fund \$250,000 for the Water Resource Education Program and that those funds be used to educate students in the classroom, and to cut \$1.35 million from Water Resource Education programs to fund Everglades Restoration. Motion approved. Nay - Mr. Thornton, Mr. Gutierrez. Absent - Ms. Williams.

Motion by Mr. Thornton to cut \$1.2 million from the Center for Environmental Studies contract for use on Everglades Restoration. Motion approved. Nay - Mr. Berger.

Board Members discussed staff's recommendation to close the Broward and Florida Keys Service Centers.

Chairman Collins said he does not support closing the Broward Service Center. He said he does not object to closing the Keys Service Center, but asked that one employee be stationed there to coordinate with the Florida National Marine Sanctuary. Chairman Collins noted that he will not vote on this item.

Motion by Mr. Fernandez to deny staff's recommendation to close the Broward County and Florida Keys Service Centers. Motion approved. Nay - Mr. Thornton, Mr. Gutierrez.

Motion by Mr. Gutierrez to approve staff's recommendation to cut funding from the Mobile Irrigation Lab program for use on Everglades Restoration. Motion approved. Nay - Mr. Minton, Ms. Williams, Mr. Fernandez, Mr. Berger.

Board Members discussed staff's recommendation to cut funding for two attorney positions from the Office of Counsel budget.

Motion by Ms. Carter to return \$200,000 to the Office of Counsel budget for two attorney positions. Motion approved. Nay - Mr. Gleason, Mr. Gutierrez, Mr. Thornton, Chairman Collins.

Board Members discussed staff's recommendation to reduce Right of Way funding by 50 percent and to use those funds for Everglades Restoration.

Motion by Mr. Gutierrez to approve staff's recommendation to reduce Right of Way funding by 50 percent and to use those funds for Everglades Restoration. Motion approved. Nay - Mr. Berger.

Board Members discussed staff's recommendation to cut funding for the District's University Student Intern program and to use those funds for Everglades Restoration.

Motion by Ms. Carter approve staff's recommendation. Motion approved. Nay - Mr. Berger.

Board Members discussed staff's recommendation to cut \$2.5 million from the District's Research efforts and to use those funds for Everglades Restoration.

Motion by Mr. Gleason to approve staff's recommendation. Motion approved. Nay - Mr. Berger

Mr. Finch noted that the total amount cut from District programs for use on Everglades Restoration is now 14.8 million as a result of Board action today. He said the total amount of funding for restoration is now 48.2 million.

Mr. Finch said staff recommends that the Board support the Executive Directors revised funding proposal.

Motion by Ms. Carter to support the Executive Director's revised funding proposal, subject to further review and debate during the District's annual budget process, to provide internal resources of approximately \$48.2 million per year to be used for the Comprehensive Everglades Restoration Plan. Motion approved. Nay - Berger.

Lake Okeechobee Regulation Schedule

Mr. Richard Bonner, U.S. Army Corps of Engineers, said the schedule will not be adopted on the date committed to by corps. He said he feels the decision will be made once procedural requirements met.

Responding to a question from Chairman Collins, Mr. Bonner said the USACE will support the Board if it requests to operate the schedule under Run WSE, in the event of heavy rains.

Board Members returned to consideration of item 13.

Mr. Finch commented on the use of external sources of funding for Everglades Restoration. He noted that the Florida Legislature, rather than the Board, has the authority to deal with this issue. Mr. Finch recommended that a package of options be forwarded to the legislature, with no recommendation on any of the listed options

Motion by Berger to empower Chairman Collins and the Executive Director to work with the Florida Legislature in order to implement funding for Everglades Restoration as the Legislature feels it should be implemented. Motion approved.

14. Briefing on Status of Wellington “Basin B” WQ Improvement Strategy

Ms. Sharon Trost, Director, Everglades Stormwater Program, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Charles Lynn, Village Manager, Village of Wellington, presented information on the proposed plan to achieve the required water quality standards.

Ms. Rosa Durando, Audubon Society of the Everglades, said this action is a great first step, but she expressed concern that the strategy will be implemented fully.

Mr. Gleason said he is confident that the Village of Wellington will follow through on its commitment.

REGULATORY CONSENT AGENDA

Additions, Deletions, Substitutions

Ms. Terrie Bates, Director, Environmental Resource Regulation, noted the following changes handed out as additional backup to Item 19 of the Regulatory Consent Agenda:

PERMIT APPLICATIONS

Water Use

Alico 587 Land Trust (page 5, paragraph 1): Postponed to April 13 Board

Jamerson Farms (page 6, paragraph 7): Postponed to April 13 Board

The Brooks of Bonita Springs Phase II (page 8, paragraph 14):
Postponed to April 13 Board

Surface Water Management

FLL Airport-Terminal Area Roadway Project (page 1, paragraph 3):
Postponed to April 13 Board

Orange County Convention Center Phases V and VI (page 15, paragraph 10): Permit type: Surface Water Management (Conceptual Approval and new Construction/Operation, includes conservation easement to the District); mitigation/compensation: 883.69 acres in Shingle Creek mitigation area

Isles at Wellington (Orange Point PUD Section 26) (page 19, paragraph 6): Postponed to April 13 Board

Environmental Resource

FLL Airport Offsite Mitigation at Birch (page 1, paragraph 2):
Postponed to April 13 Board

Goodlette Lakes Assisted Living Facility (page 2, paragraph 1):
Postponed to April 13 Board

Treyburn/Collier Mitigation Bank (page 3, paragraph 4): Postponed to April 13 Board

Hunters Ridge North (page 6, paragraph 6): Mitigation/compensation:
.25 acres, .86 credits in Panther Island Mitigation Bank

Livingston Oaks (page 7, paragraph 9): Mitigation/compensation:
51.36 acres

J V C Management Corporation (page 9, paragraph 3): Postponed to April 13 Board

GOAA: Tradeport Drainage Project (page 13, paragraph 4): Total acres wetlands: 175.6

Marbella Master Drainage Plan (page 13, paragraph 6): Addendum to change text within the staff report and to delete special condition 25, approval subject to no objections by March 30

Wetland Resource

Newover Canal Relocation (page 14, paragraph 9):
Mitigation/compensation: N/A

Consent Agreements

Charles Putnam and Gables East Construction, Inc. (page 20, paragraph 3): Postponed to April 13 Board

St. James Golf Club, Ltd. (page 21, paragraph 7): Postponed to April 13 Board

Jensen Beach Land Company, Ltd. (page 21, paragraph 9): Postponed to April 13 Board

Orange County Board of County Commissioners (page 21, paragraph 10): Postponed to April 13 Board

Emergency Authorization and Order

Riverland Groves Property Owners Association (page 22, paragraph 2): Added

Abstentions

Mr. Gleason abstained on item 19.

Mr. Berger abstained on item 19.

Mr. Minton abstained on item 19.

Pull Regulatory Consent Agenda items for Discussion

Ms. Bates asked that item 19, Concerning the petition for mediation or administrative Hearing filed by Herbert Kahlert regarding Environmental Resource Standard General Permit 50-04492-p issued to Hypoluxo Cove Limited Partnership (page 23, paragraph 1). Board Members agreed to pull the item.

GOVERNING BOARD REGULATORY CONSENT AGENDA APPROVAL

Motion to Approve Regulatory Consent Agenda items, except for items pulled for discussion

Motion by Mr. Minton to approve the Regulatory Consent Agenda items, except for item 19 (page 23, paragraph 1), which was pulled for discussion. Motion approved.

The following items were approved as part of the Regulatory Consent Agenda:

18. Consideration of Consent Agenda for Governing Board approval, which includes **Water Resources Operations** items:

Right of Way Occupancy New Permits
Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests for Waiver of District
Criteria
Emergency Authorization with Issuance of Right of Way Occupancy
New Permit

19. Consideration of Consent Agenda for Governing Board approval, which includes **Regulatory** items:

Water Use Permit Applications
Surface Water Management Permit Applications (includes
Conservation Easements)
Environmental Resource Permit Applications (includes
Conservation Easements)
Lake Okeechobee SWIM Works of the District Permit Applications
Wetland Permit Resource Applications
Consent Agreements
Emergency Authorizations and Orders
Petitions for Mediation or Administrative Hearing
Seminole Tribe Work Plan Amendments

End of Regulatory Consent Agenda Items

AFTERNOON DISCUSSION AGENDA

Consider items pulled for discussion

19. **Concerning the petition for mediation or administrative Hearing filed by Herbert Kahlert regarding Environmental Resource Standard General Permit 50-04492-p issued to Hypoluxo Cove Limited Partnership (page 23, paragraph 1).**

Mr. Rod Finer, attorney representing the permit holder, said his client does not protest the petition, but will seek attorney fees and costs when the issue is resolved by the Administrative Law Judge.

Motion by Mr. Minton to approve a request for Administrative Hearing, authorize transmittal of the petition to the Division of Administrative Hearing for a formal Administrative Hearing, and deny the alternative request for mediation. Motion approved.

WATER RESOURCES MANAGEMENT

Environmental Resource Regulation

Environmental Resource Permit

20A. Consider a request by Vila & Son Landscaping Corp. for issuance of an Environmental Resource Permit (Application 990811-6) for Vila & Son Landscaping, Miami-Dade County

Ms. Terrie Bates, Director, Environmental Resource Regulation Department, presented information on items 20A and 20B. A copy of the material used in her presentation is included in the official record of this meeting.

Motion by Mr. Fernandez to:

Approve a request by Vila & Son Landscaping Corp. for issuance of an Environmental Resource Permit (Application 990811-6) for Vila & Son Landscaping, Miami-Dade County.

and to:

Approve a request by James Delk, Trustee for issuance of an Environmental Resource Permit (Application 991105-23) for Delk Excavation, Palm Beach County.

Ms. Erin Deady, National Audubon Society, said her organization has no issues with this item. She noted that property owners in the area will have more confidence in the Board's decision once the acquisition area is clearly defined.

Motion approved.

Addition to Regulatory Consent Agenda

Water Use Permit

57. Consider a request by the City of Fort Myers for issuance of a Water Use Permit (Application 990329-2) for public water supply for a duration of twenty years, Lee County

Mr. Scott Burns, Director, Water Use Regulation Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Gleason to approve a request by the City of Fort Myers or issuance of a Water Use Permit (Application 990329-2) for public water supply for a duration of twenty years, Lee County. Motion approved.

Emergency/Agenda Revisions for Discussion

- 54. Authorize an amendment to a cooperative agreement with the 298 Districts to increase the funding necessary to complete the stormwater runoff diversion project in the amount of \$3,023,603, for which funds are budgeted in FY00. The amendment also acknowledges that funds are being diverted from future EFA-related 298 District diversion projects to pay for the currently scheduled work, and that the related projects will be subject to future Governing Board action should funding become available. (Contract C E006-A01)**

Mr. James Kunard, P.E., Design Manager, Everglades Construction Project, presented information on this item. He said consideration of this item is deemed an emergency because the 298 Districts cannot move forward on this issue unless the amendment is approved.

Mr. Terry Lewis, attorney representing the 298 Districts, presented information on this item. He said this project is part of the Everglades Construction Project, and the diversion of funds is required if funds are available from the Everglades Privilege Tax.

Motion by Mr. Minton to approve an amendment to a cooperative agreement with the 298 Districts to increase the funding necessary to complete the stormwater runoff diversion project in the amount of \$3,023,603, for which funds are budgeted in FY00. The amendment also acknowledges that funds are being diverted from future EFA-related 298 District diversion projects to pay for the currently scheduled work, and that the related projects will be subject to future Governing Board action should funding become available. (Contract C E006-A01). Motion approved.

BUSINESS CONSENT AGENDA

Items pulled for discussion

Mr. Minton pulled item 37.

Motion by Mr. Berger to approve the Business Consent Agenda, except for item 37, which was pulled for discussion. Motion approved.

A copy of the Business Consent Agenda is included in the official record of this meeting.

Discussion of items pulled from the Business Consent Agenda.

- 37. Authorize Department of Management Services to issue a change order to A.D. Morgan Corporation for the Field Operations Center - Construction Management Services in an amount not to exceed \$36,869 which is unbudgeted, and authorize a budget substitution in the same amount. (Contract Number C-10481-A03)**

Mr. Minton expressed concern about the unbudgeted increase of the amount for finding additional landscaping material buried in trash debris on this property. He and Mr. Thornton questioned whether the contingency amount for this contract may have been set too low.

Mr. Mike Hiscock, Lead Engineer, Engineering and Project Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting. He said the original landowner buried trees on the property that must now be removed. Mr. Hiscock said staff may have underestimated the amount of contingency funds for this type of work.

Motion by Mr. Thornton to authorize Department of Management Services to issue a change order to A.D. Morgan Corporation for the Field Operations Center - Construction Management Services in an amount not to exceed \$36,869 which is unbudgeted, and authorize a budget substitution in the same amount. (Contract Number C-10481-A03). Motion approved.

10. Ombudsman's Report

Mr. Dick Williams, District Ombudsman, presented the report. A copy of the report is included in the official record of this meeting.

11. General Counsel's Report

Mr. John Fumero, General Counsel, presented the report. A copy of the report is included in the official record of this meeting.

12. Executive Director's Report

Mr. Finch presented the report. He noted that the Board discussed the status of advisory committees at the Executive Director Retreat earlier this year. Mr. Finch said staff has considered several options and will seek additional input from stakeholders on the proposed options. He said staff will report back to the Board in April with consensus from stakeholders.

Mr. John Arthur Marshall, Environmental Advisory Committee, noted that Florida's Sunshine Law may inhibit participation on District Advisory Committees. He also noted that the Environmental Advisory Committee is reviewing the issue of Aquifer Storage and Recovery.

Initiation of Rule Development

- 15. Authorize District staff, pursuant to Section 120.54(2), Fla. Stat., to publish Notice of Rule Development in the Florida Administrative Weekly.**

Mr. Richard Thompson, Senior Supervising Engineer, Ft. Myers Service Center, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Thornton to authorize District staff, pursuant to Section 120.54(2), Fla. Stat., to publish Notice of Rule Development in the Florida Administrative Weekly and initiate rule development for a "Noticed General Permit For Temporary Agricultural Activities" proposed rule. Motion approved.

- 16. Authorize entering into a 1 year contract with Harris Corporation for microwave network analog to digital conversion.**

Mr. Jim Betzhold, Senior Engineer, Information Technology Department, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Ms. Carter to authorize entering into a 1 year contract with Harris Corporation for microwave network analog to digital conversion in an amount not to exceed \$1,248,471 for which funds are budgeted. (Contract Number C-10333). Motion approved.

- 17. Legislative Briefing.**

Mr. Michael Slayton, Director, Government Affairs and Communication, presented the briefing. A copy of the material used in his presentation is included in the official record of this meeting.

PUBLIC COMMENT

Ms. Rosa Durando, Audubon Society of the Everglades, expressed concern about the number of studies by federal, state, regional and local governments on the same issues. She said these studies need to be more closely linked so decisions made by board will work.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 3:00 p.m.

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